

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Melissa Lopez, Assistant Deputy Clerk.

F057432 R.V. v. The Superior Court of Kings County; Kings County Human Services Agency

Cause called and argued by Mary Rafani-Steele, Esq., counsel for petitioner and by Bryan C. Walters, Esq., Deputy County Counsel, counsel for real party.

Cause ordered submitted.

Court recessed until Thursday, July 30, 2009 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Melissa Lopez, Assistant Deputy Clerk.

F055507 People v. Mason, Jr.

Cause called and argued by Patricia Ulibarri, Esq., counsel for appellant and by Sarah Jacobs, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

The court adjourns.

F057327 Reimche v. Tulare District Health Care System et al.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F056289 People v. Smith

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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- F055703 Kern Co. Department of Child Support Services v. Yoder et al.**
The order for genetic testing is reversed. Appellant is entitled to its costs on appeal. Hill, J.
We concur: Vartabedian, Acting P.J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056945 People v. Becker**
The above-entitled case is submitted for decision.
- F056945 People v. Becker**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056359 In re E.C., a Minor**
Appellant's petition for rehearing filed herein is denied.

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F057432 R.V. v. The Superior Court of Kings County; Kings County Human Services Agency

The petition for writ of extraordinary relief is granted. The case is remanded to the juvenile court to promptly conduct a hearing pursuant to section 366.26, subdivision (n)(3)(B) and determine it was in the children's best interest to be removed from petitioner's home. Given the lapse in time, the court shall consider the children's current circumstances (*In re Stephanie M.*, *supra*, 7 Cal.4th at p. 322) and should also consider events that have occurred since the removal in determining the children's best interests (*State Department of Social Services v. Superior Court*, *supra*, 162 Cal.App.4th at pp. 276 & 287). The court also has the discretion to decide that the emergency removal may have been justified but that circumstances at the time of the hearing are such that it is in the best interest of the children to return to the grandparents as the prospective adoptive parents. (*State Department of Social Services v. Superior Court*, *supra*, 162 Cal.App.4th at p. 287.) This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057492 C.B. v. The Superior Court of Fresno County; Fresno County Department of Children & Family Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056762 People v. Velasquez

The above-entitled case is submitted for decision.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F056762 People v. Velasquez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056749 Manson, Iver & York v. Black

The judgment is affirmed. Hill, J.

We concur: Vartabedian, Acting P.J.; Kane, J.

[CERTIFIED FOR PUBLICATION]

F057544 People v. Martinez

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.